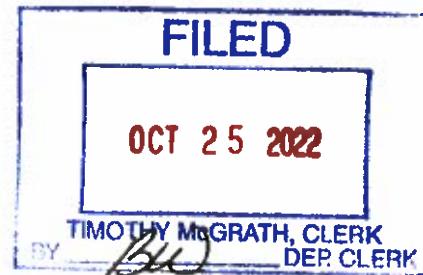


UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF PENNSYLVANIA (READING)

| | | |
|--------------------------|---|----------------------------|
| IN RE: | | |
| LINDA P. SWEENEY | § | CASE NO. 4:22-BK-11923-PMM |
| a/k/a Linda Porr-Sweeney | § | |
| JOSEPH V. SWEENEY JR. | § | CHAPTER 7 |
| Debtors | § | |
| M&T BANK | § | |
| | § | |
| Movant | § | |
| v. | § | |
| LINDA P. SWEENEY | § | |
| a/k/a Linda Porr-Sweeney | § | |
| JOSEPH V. SWEENEY JR. | § | |
| Debtors | § | |
| CHRISTINE C. SHUBERT | § | |
| Trustee | § | |



**RESPONSE TO MOTION OF M&T BANK
FOR RELIEF FROM AUTOMATIC STAY UNDER SECTION 362**

1. Respondent is FTI Consulting, Inc. a creditor of the above-named debtor in these proceedings.
2. Respondent is the holder of a judgment lien on 177 River Place, Lancaster TWP, PA 17603, hereinafter referred to as the Subject Property, in the amount of \$11,424,227.42, resulting from a judgment issued in Adv. Case 12-50423-KJC in the United State Bankruptcy Court for the District of Delaware.
3. Movant, M&T Bank, is also a creditor of the above-named debtor.
4. Christine C. Shubert is the Trustee appointed by the Court.
5. On October 11, 2022 Movant filed a motion under 11 U.S.C.A. § 362 for relief from an automatic stay which arose from Debtors' filing of a petition in bankruptcy in the above-captioned proceeding.

6. Movant claims an interest in the amount of \$1,047,169.56, in the Subject Property and that the Subject Property is valued at \$1,200,000.00 in Debtors' schedule of assets.

7. Respondent objects to lifting of the automatic stay because there is adequate value in the Subject Property to satisfy Movant's interest in the Subject Property. Junior mortgages should not be considered because the issue of adequate protection under § 362(d)(1) relates only to the creditor seeking relief from the stay.¹

8. Movant, therefore, is not entitled to relief from the operation of the automatic stay since Movant has adequate protection of its interest in the Subject Property.

WHEREFORE, Respondent respectfully requests that the Court refuse Movant's request for relief from the automatic stay, and order that the stay remain in full force and effect.

/s/ Sean D. Johnson
Sean D. Johnson
(*pro hac vice admission pending*)
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FTI Consulting, Inc*

¹ *In re Mellor*, 734 F.2d 1396 (9th Cir. 1984); *In re Harrow Leasing Corp.*, 35 B.R. 916 (Bankr. E.D. Pa. 1983) (whether unsecured guaranty constitutes adequate protection depends on its sufficiency).

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF PENNSYLVANIA (READING)

IN RE: §
LINDA P. SWEENEY §
a/k/a Linda Porr-Sweeney §
JOSEPH V. SWEENEY JR. §
Debtors §
M&T BANK §
Movant §
v. §
LINDA P. SWEENEY §
a/k/a Linda Porr-Sweeney §
JOSEPH V. SWEENEY JR. §
Debtors §
CHRISTINE C. SHUBERT §
Trustee §

CASE NO. 4:22-BK-11923-PMM

CHAPTER 7

CERTIFICATE OF SERVICE

I, Sean D. Johnson of Reid Collins & Tsai LLP, hereby certify that on October 24, 2022, a true and correct copy of the foregoing **RESPONSE TO MOTION OF M&T BANK FOR RELIEF FROM THE AUTOMATIC STAY UNDER SECTION 362** was served by U.S. Mail, First-Class means on the following:

United States Trustee
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Harrisburg, PA 17101

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/s/ Sean D. Johnson

By: Sean D. Johnson